

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RIAN WAYNE BREIDENBACH,

Defendant.

CR-15-13-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 9, 2023. (Doc. 84.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 8, 2023. (Doc. 82) The United States accused Rian Breidenbach, (Breidenbach) of violating his conditions of supervised release 1) by possessing materials depicting sexually

explicit conduct; 2) by being suspended from his sex offender treatment program; 3) by knowingly having contact with a child under the age of 18; and 4) by failing to successfully complete his sex offender treatment program. (Doc. 80.)

At the revocation hearing, admitted Breidenbach admitted that he had violated the terms of his supervised release by 1) by possessing materials depicting sexually explicit conduct; 2) by being suspended from his sex offender treatment program; 3) by knowingly having contact with a child under the age of 18; and 4) by failing to successfully complete his sex offender treatment program. (Doc. 82.)

Judge Johnston found that the violations Breidenbach admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence of 3 months, with a lifetime of supervised release to follow. (Doc. 84.) Hamilton was advised of his right to appeal and his right to allocute before the undersigned.

(82.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 84) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Rian Wayne Breidenbach be sentenced to the Bureau of Prisons for 3 months with a lifetime of supervised release to follow.

DATED this 24th day of August, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court